

THE SECURITY OF A NATION
(With special reference
to legislation of a
security nature)

OGC Has Reviewed

C O N S T I T U T I O N

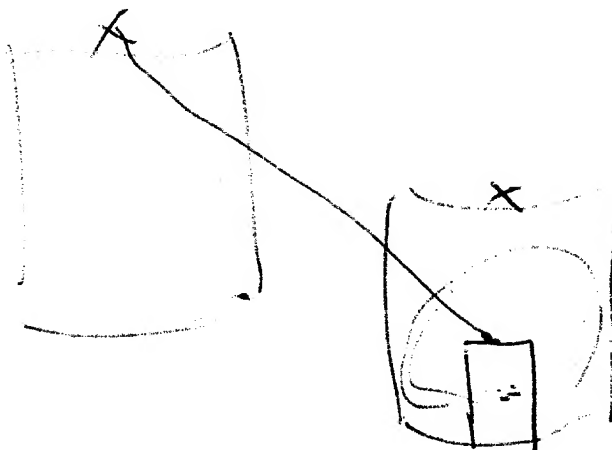
Executive

Legislative

Judicial

Cabinet or Council

1. Adequate information to
make policy decisions --- Intelligence
2. Adequate forces to
prevent armed attack --- Military
3. Adequate staff to
carry out nations programs -- Civil Service
4. Adequate legal program to
protect against subversion
or unarmed attack -- Laws
5. Adequate investigative group
to detect subversion in
violation of law -- Police
6. Adequate prosecuting group
to take vigorous action
against violators -- Attorney General



1. Possible Laws Relating to Intelligence

General

Both the precise wording and substantive content must be considered in light of Constitution and all other existing laws. Following are suggested major points to be so considered:

1. Statutory establishment of Agency.
2. Statutory statement of duties, considering both overt and covert functions in general -- not in detail.
3. Statutory relationship of Agency within the Government, including other units having intelligence functions to fix clearly responsibility.
4. Careful study of other laws relating to Government agencies in order to provide for the flexibility necessary for efficiency and security.
 - a. Civil Service laws
 - b. Customs laws
 - c. Immigration laws
 - d. Budget, appropriation and use of funds
 - e. Required reports to other agencies
 - f. Employee benefits -- unemployment compensation, allowances, accident and death compensation, retirement, etc.
 - g. Administrative authorities, e.g. procurement of supplies, purchase of land, etc.
5. Proper legal base for a Career Service.

2. Possible Laws Relating to Security Field of the Armed Forces

General

It is assumed that there is in existence equivalent of the U.S. Articles of War or uniform military code of justice. Therefore, only a few major fields will be listed.

1. Security clearance program.
2. Prohibition against destruction of military supplies, equipment and base equipment.
3. Provisions against desertion, mutiny or adhering to the cause of the enemy.
4. Advocating or inciting mutiny in the armed forces.
5. Control and inspection of vessels, vehicles and aircraft.

3. Possible Laws Relating to Security of the Civil Service

General

It is assumed that there is a body of laws relating to the administration of the Civil Service. Presumably there are guarantees of tenure and pension rights which, for example, should be considered in the light of conduct by such persons of a subversive nature.

1. A security clearance program designed to identify sensitive positions and establish standards of character and security consciousness for both types of positions within the Civil Service.
2. Forfeiture of rights by Civil Service employees.
 - a. Laws should provide that where Civil Service employees are found guilty of subversive activities that they are not protected by rigid provisions for tenure and pensions. For example, Alger Hiss in the U.S., who is now in jail as a result of his espionage activities for the Communists, when he reaches retirement age will draw a Civil Service pension.
3. Preference rights of certain classes.
 - a. If there are provisions in the existing Civil Service laws granting special preferences to certain classes, those preferences should be subordinated to the security clearance program.
4. Prohibitions against political activity.
 - a. While a career civil servant should have equal rights to vote as other citizens, it is suggested that such individuals should not be permitted to participate actively in political activities. This is prohibited in the U.S. by the Hatch Act.
5. Prohibitions against striking or membership in organizations which advocate striking against the government.
6. Prohibition against aliens acquiring Civil Service status.

5. Possible Laws Relating to Police Organization

General

Since there are many existing laws on this subject, and since it has been the subject of considerable discussion, only a few suggestions will be included here.

1. Sufficient flexibility in investigative methods.

- a. In other countries there are restrictions on investigative methods which at times unduly hamper investigators in that the evidence which they gain thereby is not permitted in court. Examples include arrest without a warrant, unlawful search and seizure and evidence procured by wire tapping.
- b. The restrictions have been established in order to protect the privacy of the citizen and many consider that the protection of the individual rights outweighs the inability to secure convictions in certain cases.
- c. This general subject should be most carefully considered within the context of the Constitution and other laws of the country.

2. Authority of police to interrogate.

- a. Throughout history there has been an abuse by police of individuals in custody of the police. Interrogations have been conducted by the third degree method and there has been an increasing tendency to throw out of the court confessions obtained under duress or through force of any kind.

6. Possible Laws Relating to the Functions of the Attorney General

General

Since in the final analysis prosecution of persons for violation of law is the function of the Attorney General, the most efficient investigative force is ineffective if the Attorney General and his prosecution function did not diligently act on the information furnished by that force.

1. Prosecutions in camera.

- a. The laws relating to prosecution should permit exclusion of the public in certain cases where the evidence necessary for proof would be prejudicial to the interests of the country if disclosed. In the U.S. no such provision exists and it seriously hampers prosecution in certain cases.

2. Laws relating to evidence secured from wire tapping.

- a. Evidence secured by this means should be fully admissible in those cases affecting the security of the nation.

3. Discretion of the Attorney General

- a. In numerous types of cases the Attorney General should have latitude to permit certain activities or acts otherwise prohibited by law. Particularly in the field of immigration is this desirable where movement of people into the country is desirable for the intelligence services.

SUPREME DEFENSE COUNCIL

Art. 1 Consists of following positions:

Prime Minister - Chairman
Minister of War and Marine - Vice-Chairman
Foreign Minister
Finance Minister
Interior Minister
Commerce Minister
Communications Minister
Commander-in-Chief of the Armed Forces
Chief of Staff - Army
Navy
Air Force

Art. 2 Deputy Minister of War and Marine for Defense is General Secretariat for Council.

Art. 3 Council can call on anyone without vote for advice on any matter.

Art. 4 Functions:

- a. To draw general defense policy
- b. To appoint duties and services needed from ministries and industries concerned with defense to serve national defense and supervise.
- c. To give opinion on any matter presented by the Prime Minister, Minister of War and Marine, Foreign Minister or other matters of finance or any other thing.
- d. Meeting on request of the Chairman or Deputy where appropriate. Shall meet at least once every six months. May also meet at the request of the Commander-in-Chief, with concurrence of at least two of the Chiefs of Staff. This request is sent to the Chair through the Minister of War and Marine.
- e. When Council meets, must have at least 7 for quorum -- 4 ministers and 3 military. All matters secret - majority vote - if equal, Chair controls.
- f. Final decisions to be signed by the Prime Minister if within jurisdiction of appropriate ministry; otherwise forwarded to Council of Ministers for approval. In both cases, duty of Minister of War and Marine to advise responsible minister for execution and has power to supervise.

- g. In time of war or general mobilization, Council implements decisions and directs war activities. All decisions are compulsory immediately.
- h. Directorate of security of country found in the Ministry of War and Marine to establish general defense policy pertaining to security of the nation, and under Council which establishes limits of authority. Minister of War and Marine is direct supervisor.

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